

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02030-CKK**

JONES et al v. DEPARTMENT OF DEFENSE
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

WALTER JONES
Congressman

represented by **Mark Steven Zaid**
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: Mark@MarkZaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
(202) 907-7945
Fax: (202) 330-5610
Email: brad@markzaid.com
ATTORNEY TO BE NOTICED

Plaintiff

TRISH BROW

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

MICHAEL BROW

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JOHN M. BROW

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CONNIE GRUBER

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JAMES MADISON PROJECT

represented by **Mark Steven Zaid**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Brian J. Field**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2551
Fax: (202) 234-2806
Email: brian.field@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2017	<u>1</u>	COMPLAINT against DEPARTMENT OF DEFENSE (Filing fee \$ 400 receipt number 0090-5141676) filed by THE JAMES MADISON PROJECT, CONGRESSMAN WALTER JONES, JOHN M BROW, MICHAEL BROW, TRISH BROW, CONNIE GRUBER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Rule 7.1 certification, # <u>3</u> Summons DoD, # <u>4</u> Summons USADC, # <u>5</u> Summons USAG)(Moss, Bradley) (Entered: 10/03/2017)
10/03/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JAMES MADISON PROJECT (zsb) (Entered: 10/03/2017)
10/03/2017		Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 10/03/2017)
10/03/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 10/03/2017)
10/05/2017	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 10/05/2017. (DM) (Entered: 10/05/2017)
10/17/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served on 10/10/2017 (Attachments: # <u>1</u> Exhibit DoD receipt)(Moss, Bradley) (Entered: 10/17/2017)

10/17/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/10/2017. (Attachments: # <u>1</u> Exhibit USAG receipt)(Moss, Bradley) (Entered: 10/17/2017)
10/17/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/10/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/9/2017. (Attachments: # <u>1</u> Exhibit USADC receipt)(Moss, Bradley) (Entered: 10/17/2017)
10/24/2017	<u>8</u>	NOTICE of Appearance by Mark Steven Zaid on behalf of All Plaintiffs (Zaid, Mark) (Entered: 10/24/2017)
10/24/2017	<u>9</u>	NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 10/24/2017)
10/24/2017	<u>10</u>	Unopposed MOTION for Extension of Time to <i>Respond to Plaintiffs' Complaint</i> by DEPARTMENT OF DEFENSE (Field, Brian) (Entered: 10/24/2017)
10/31/2017		MINUTE ORDER: The Court has received Defendant's <u>10</u> Unopposed Motion for Extension of Time, which requests a one-month extension of the deadline for responding to the complaint. For good cause shown, the Motion is GRANTED. Defendant shall respond to the complaint by DECEMBER 11, 2017. Signed by Judge Colleen Kollar-Kotelly on October 31, 2017. (lcckk1) (Entered: 10/31/2017)
11/01/2017		Set/Reset Deadlines: Response to complaint due by 12/11/2017. (tb) (Entered: 11/01/2017)
12/11/2017	<u>11</u>	ANSWER to <u>1</u> Complaint by DEPARTMENT OF DEFENSE.(Field, Brian) Modified to add link on 12/12/2017 (znmw). (Entered: 12/11/2017)
12/12/2017	<u>12</u>	ORDER. The parties shall file the schedule not later than JANUARY 11, 2018 . Signed by Judge Colleen Kollar-Kotelly on December 12, 2017. (lcckk1) (Entered: 12/12/2017)
12/12/2017		Set/Reset Deadlines: Parties shall file the schedule by 1/11/2018. (dot) (Entered: 12/13/2017)
01/11/2018	<u>13</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 01/11/2018)
01/17/2018		MINUTE ORDER: The Court has received the parties' <u>13</u> Joint Status Report. Defendant shall continue processing the Freedom of Information Act ("FOIA") request submitted to the United States Navy ("Navy"), issuing a further release by FEBRUARY 11, 2018 , and, if necessary, a final release and/or other response by MARCH 11, 2018 . The parties shall continue to confer regarding the scope and processing schedule for Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General. The parties shall file a further Joint Status Report by FEBRUARY 12, 2018 , indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on January 17, 2018. (lcckk1) (Entered: 01/17/2018)
01/17/2018		Set/Reset Deadlines: Joint Status Report due by 2/12/2018. (dot) (Entered: 01/22/2018)
02/06/2018	<u>14</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Field, Brian) (Entered: 02/06/2018)
02/12/2018		MINUTE ORDER: The Court has received Defendant's <u>14</u> Consent Motion for Extension of Time, with respect to the submission of the parties' next Joint Status Report. Defendant indicates that the parties continue to confer regarding one (or more) of the Plaintiffs' Freedom of Information Act requests in this action. Accordingly, with Plaintiffs' consent and for good cause shown, the Court GRANTS Defendant's <u>14</u> Motion. The parties shall have until FEBRUARY 20, 2018 , to file a further Joint Status Report indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on February 12, 2018. (lcckk1) (Entered: 02/12/2018)

02/12/2018		Set/Reset Deadlines: Joint Status Report due by 2/20/2018. (dot) (Entered: 02/13/2018)
02/20/2018	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Field, Brian) (Entered: 02/20/2018)
03/12/2018	<u>16</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 03/12/2018)
03/20/2018		MINUTE ORDER: The Court has received the parties' <u>15</u> and <u>16</u> Joint Status Reports. These reports confirm that the U.S. Marine Corps and Navy have completed processing of Plaintiffs' respective FOIA requests. The parties shall continue to confer regarding the scope and processing schedule for Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General. The parties shall file a further Joint Status Report by APRIL 12, 2018 , indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on March 20, 2018. (lcckk1) (Entered: 03/20/2018)
03/20/2018		Set/Reset Deadlines: Joint Status Report due by 4/12/2018. (dot) (Entered: 03/22/2018)
04/12/2018	<u>17</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Field, Brian) (Entered: 04/12/2018)
05/02/2018		MINUTE ORDER: The Court has received the parties' <u>17</u> Joint Status Report. The parties shall continue to confer regarding the scope and processing schedule for Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General. The parties shall file a further Joint Status Report by MAY 14, 2018 , indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on May 2, 2018. (lcckk1) (Entered: 05/02/2018)
05/02/2018		Set/Reset Deadlines: Joint Status Report due by 5/14/2018, indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. (dot) (Entered: 05/02/2018)
05/14/2018	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 05/14/2018)
05/21/2018		MINUTE ORDER: The Court has received the parties' <u>18</u> Joint Status Report, which is almost identical to the earlier <u>17</u> Joint Status Report. The parties shall continue to confer regarding the scope and processing schedule for Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General. The parties shall file a further Joint Status Report by JUNE 14, 2018 , specifying the parties' progress since the last <u>18</u> Joint Status Report, indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on May 21, 2018. (lcckk1) (Entered: 05/21/2018)
06/14/2018	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 06/14/2018)
07/09/2018		MINUTE ORDER: The Court has received the parties' <u>19</u> Joint Status Report, which is almost identical to the earlier <u>18</u> Joint Status Report. The parties shall continue to confer regarding the scope and processing schedule for Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General. The parties shall file a further Joint Status Report by JULY 16, 2018 , specifying the parties' progress since the last <u>19</u> Joint Status Report, indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on July 9, 2018. (lcckk1) (Entered: 07/09/2018)
07/10/2018		Set/Reset Deadlines: Joint Status Report due by 7/16/2018. (kt) (Entered: 07/10/2018)
07/16/2018	<u>20</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 07/16/2018)
07/26/2018		MINUTE ORDER: The Court has received the parties' <u>20</u> Joint Status Report. The parties detail their progress in negotiating the scope of Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General ("OIG"). The Court adopts the parties' proposal for further proceedings, notwithstanding the

		extended schedule. OIG shall complete its responsiveness review of records by DECEMBER 31, 2018 . The parties shall continue to confer regarding additional ways to narrow the scope of the review of records responsive to Plaintiffs' FOIA request submitted to OIG. The parties shall file a further Joint Status Report by AUGUST 16, 2018 , specifying the parties' progress since the last <u>20</u> Joint Status Report, indicating how the parties intend to proceed, and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on July 26, 2018. (lcckk1) (Entered: 07/26/2018)
07/26/2018		Set/Reset Deadlines: Joint Status Report due by 8/16/2018. (dot) (Entered: 07/30/2018)
08/16/2018	<u>21</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 08/16/2018)
08/24/2018		MINUTE ORDER: The Court has received the parties' <u>21</u> Joint Status Report, which indicates that processing of Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General is ongoing and is still expected to be completed by December 31, 2018. In light of the extended schedule, the parties shall file a further Joint Status Report by OCTOBER 15, 2018 , that contains an update limited to the parties' progress since the last <u>21</u> Joint Status Report, indicates how the parties intend to proceed, and proposes a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on August 24, 2018. (lcckk1) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Joint Status Report due by 10/15/2018. (dot) (Entered: 08/27/2018)
10/15/2018	<u>22</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 10/15/2018)
10/22/2018		MINUTE ORDER: The Court has received the parties' <u>22</u> Joint Status Report, which indicates that processing of Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General is ongoing and is still expected to be completed by December 31, 2018. In light of the extended schedule, the parties shall file a further Joint Status Report by DECEMBER 14, 2018 , that contains an update limited to the parties' progress since the last <u>22</u> Joint Status Report, indicates how the parties intend to proceed, and proposes a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on October 22, 2018. (lcckk1) (Entered: 10/22/2018)
10/22/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (dot) (Entered: 10/23/2018)
12/14/2018	<u>23</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE. (Field, Brian) (Entered: 12/14/2018)
12/17/2018		MINUTE ORDER: The Court has received the parties' <u>23</u> Joint Status Report, which indicates that processing of Plaintiffs' FOIA request submitted to the Department of Defense Office of the Inspector General has made further progress, including as to referrals to the United States Marine Corps and United States Navy. The scope of the remaining review is somewhat broader than the Court had previously understood, because the Court had interpreted prior Joint Status Reports as suggesting that the process would be completed at an earlier date. The parties shall file a further Joint Status Report by FEBRUARY 15, 2019 , that contains an update limited to the parties' progress since the last <u>23</u> Joint Status Report, indicates how the parties intend to proceed, and proposes a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on December 17, 2018. (lcckk1) (Entered: 12/17/2018)
12/17/2018		Set/Reset Deadlines: Joint Status Report due by 2/15/2019, indicates how the parties intend to proceed, and proposes a briefing schedule if necessary. (dot) (Entered: 12/17/2018)